

Horsley

The following is the SPEECH delivered by the BISHOP of ST. DAVID'S, in the HOUSE of LORDS, May 31, 1791, on the second reading of the BILL for the Relief of PAPISTS, or Persons professing the POPISH RELIGION.

MY LORDS, With great charity for the Roman Catholics, with a perfect abhorrence of the penal laws, I have my doubts, whether the bill for their relief, that has been sent up to us from the Lower House, comes in a fit shape to be sent to a Committee. My Lords, it is not my intention to make any express motion to obstruct the commitment of it, if I should perceive that measure to be the sense and inclination of the House: but I have my doubts, which I think it my duty to submit to your Lordships' consideration.

Fixed, my Lords, as I am in the persuasion, that Religion is the only foundation of civil society, and, by consequence, that an establishment of Religion is an essential branch of every well-constructed polity; I am equally fixed in another principle, that it is a duty, which the great law of Christian charity imposes on the Christian magistrate, to tolerate Christians of every denomination, separated from the Established Church by conscientious scruples; with the exception of such sects only, if any such there be, which hold principles so subversive of civil government in general, or so hostile to the particular constitution under which they live, as to render the extermination of such sects an object of just policy. My Lords, I have no scruple to say, that the opinions, which separate the Roman Catholics, of the present day, from the communion of the Church of England, are *not* of that dangerous complexion. Times, my Lords, it is too well known, have been, when the towering ambition of the Roman clergy,
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and the tame superstition of the people, rendered the hierarchy the rival of the civil government, the triple mitre the terror of the Crown, in every state in Christendom. The Reformation in this country, as it took its rise not in any controversies upon speculative points, but in a high-spirited monarch's manly renunciation of the Pope's usurped authority—in the claim of the original absolute exemption of the Church, no less than of the State of this kingdom, from all subordination to the See of Rome—excited a spirit of intrigue among the adherents of the Papacy against the internal government, which rendered every Roman Catholic, in proportion as he was conscientiously attached to the interests of his Church, a disaffected, or, at the best, a suspected, subject. The Revolution widened the breach, by the natural attachment of the sect to the abdicated family, which had always favoured it. Happily for this country, and for the peace of mankind, those times are past. My Lords, it is now universally understood, that the extravagant claims of the Church to a paramount authority over the State, in secular matters, stand confuted by the very first principle of the original charter of her institution, by the early edict of her divine and holy founder, that "his kingdom is not of this world." The ambition of the Roman Pontiff, by the reduction of his power and his fortunes, is become contemptible and ridiculous in the eyes of his own party: and the extinction of the Stuart family leaves the Roman Catholics of this country no choice, but the alternative of continuing in the condition of aliens in their native land, or of bringing themselves under the protection of her laws by peaceable submission, and loyal attachment to the existing Government. My Lords, in these circumstances, in this state of opinions, in this
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reduced condition of the Pope's importance in the political world, in the actual state of the interests of the Roman Catholics of this country, I persuade myself that the long wished for season for the abolition of the penal laws is come. Emancipated from the prejudices which once carried them away, the Roman Catholics are led, by the genuine principles of their religion, to inoffensive conduct, to dutiful submission, and cordial loyalty. My Lords, the Roman Catholics better understand, than the thing seems to be understood by many of those who call themselves our Protestant brethren, in what plain characters the injunction of the unreserved submission of the individual, to the Government under which he is born, is written in the divine law of the Gospel.

My Lords, with all this charity for Roman Catholics, with these sentiments of the inexpediency of the penal laws, I must still disapprove of the bill which is now offered for a second reading. Your Lordships must perceive that, consistently with the sentiments which I avow, I cannot quarrel with the bill for the relief it gives. No, my Lords—the Noble Lord, who moved the second reading, has himself opened the grounds of my objection. My Lords, I object to the bill, that it is insufficient to its own purpose. My Lords, I quarrel with the bill for the partiality of its operations.

With the indulgence of your Lordships, I will endeavour to explain, from what circumstances, in the fabric of the bill, this defect arises; I will set forth the importance of the objection; and then I will trouble your Lordships with the reasons of my apprehension, that this objection is not likely to be done away, by any amendments which we can give the bill in a Committee.

My Lords, this bill is to relieve Roman Catholics from the penal laws, under the condition

that they take an oath of allegiance, abjuration, and declaration; the terms of which oath the bill prescribes. The bill, therefore, will relieve such Roman Catholics, as take this oath, and none else. Now, my Lords, it is, I believe, a well-known fact, that a very great number, I believe I should be correct if I were to say, a very great majority, of the Roman Catholics scruple the terms in which this oath is unfortunately drawn, and declare they cannot bring themselves to take it. With the permission of the House, I will enter a little into the detail of their objections; not that I mean to go at present into a discussion upon all the imperfections of the oath; I concur in every one of the objections made by the most reverend the Metropolitan. But I shall not touch upon these objections, because they have been ably stated, and because they are not to the purpose of my argument. It is my point to state the objections of scrupulous Roman Catholics.

My Lords, the majority of the Roman Catholics who scruple this oath are not Papists in the opprobrious sense of the word—they are not the Pope's courtiers—more than the gentlemen of the Roman Catholic Committee, who are ready to accept the oath. My Lords, the more scrupulous Roman Catholics, who object to the terms of this oath, are ready to swear allegiance to the King—they are ready to abjure the Pretender—to renounce the Pope's authority in civil and temporal matters; they are ready to renounce the doctrine, that faith is not to be kept with heretics, and that persons may be murdered, under the pretence that they are heretics, as impious and unchristian; they are ready to renounce, as impious and unchristian, the doctrine, that Princes, excommunicated by the See of Rome, may be murdered
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by their subjects; they are ready to renounce the doctrine, that Princes, excommunicated by the See of Rome, may be deposed by their subjects; but to this deposing doctrine they scruple to apply the epithets of impious, unchristian, and damnable. My Lords, they think that this doctrine is rather to be called false, than impious; traiterous, than unchristian. They say, that the language of an oath should not be adorned, figured, and amplified, but plain, simple, and precise. But in truth, my Lords, this scruple is founded in a tender regard for the memory of their progenitors. Some two centuries since, this error, however absurd and malignant, was, like other absurd and malignant errors, universal. Yet, my Lords, there lived in those times many men of distinguished piety and virtue, who acquiesced in this error as a speculative doctrine, though they never acted upon it. My Lords, the more scrupulous of the Roman Catholics think it hard, that men of probity and virtue, entertaining a speculative error, sanctioned by its universality, upon which they never acted, should for that error, in mere speculation, be stigmatized as devoid of piety, as no Christians, and as persons that died under a sentence of eternal damnation. And certainly, my Lords, the reprobation of this doctrine, under the qualifications of impious, unchristian, and damnable, goes to this effect. My Lords, I beseech you to give a candid attention to this scruple, as I am confident your Lordships will to every scruple. My Lords, I enter into this detail from a desire of impressing on your Lordships minds, what is very strongly impressed on mine, that the objections of these men are not cavils, but fair, honest, conscientious scruples. My Lords, this scruple is analagous to that which every enlightened man would feel, if he were called upon to decide upon that, which has
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sometimes been decided upon with little ceremony, upon the final doom of virtuous Heathens; of men, who, with a sense of moral obligation, and with sentiments of piety towards the Creator of the universe, which might have done no discredit to the professors of Christianity, nevertheless, from the force of example and education, acquiesced in the popular idolatry of their times. My Lords, I believe—your Lordships all believe—that there is no name under Heaven by which men may be saved, but the name of Jesus Christ. Nevertheless, my Lords, I should be very unwilling to assert—my Lords, I would refuse to swear—that it is matter of my belief, that such men as Socrates, Plato, Tully, Seneca, and Marcus Antoninus, who were every one of them idolaters, are now suffering in the place of torment, and are doomed to suffer there to all eternity. My Lords, upon this point I concur in the sentiments of a great ornament of the Roman Church, who might have been an ornament to the purest church in the most enlightened times: “*Ubi nunc anima Marci Tullii agat, fortasse non est humani judicii pronuntiare; me certè non admodum aversum habituri sint in ferendis calculis, qui sperant illum apud superos summâ pace frui.*” My Lords, will not your Lordships permit the Roman Catholics to have the same tenderness for the memory of Bellarmin and Erasmus, which your Lordships would feel for that of virtuous Heathens?

My Lords, the terms, in which the Pope's civil authority is renounced, are matter of scruple to that division of the Roman Catholics, which I consider as the majority. My Lords, they are ready to renounce the civil authority of the Pope; but they think that the words used in the oath go to the denial of the Pope's spiritual authority, which they cannot conscientiously abjure. The terms of the
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oath, my Lords, are these—" I do also in my conscience declare, and solemnly swear, that no foreign church, prelate, or priest, or assembly of priests, or ecclesiastical power whatsoever, hath, or ought to have, any jurisdiction or authority whatsoever within this realm, that can directly or indirectly affect or interfere with the independence, sovereignty, laws, constitution, or government thereof, or the rights, liberties, persons, or properties, of the people of the said realm, or any of them." The power, therefore, abjured, is all ecclesiastical power which can, directly or indirectly, interfere with the sovereignty, constitution, or government, with public or with private rights. My Lords, these scrupulous Catholics think that this description comprehends the Pope's spiritual authority; for they say, that they must admit that the Pope's spiritual authority does, indirectly, by inference and implication, interfere with civil government and with civil rights. My Lords, is it not manifest that the Pope's supremacy, indirectly, and in speculation, interferes with the sovereignty? with the King's supremacy as head of the Church? My Lords, with the Constitution the Pope's supremacy indirectly interferes in a part which, I believe, your Lordships hold in some regard. My Lords, it is a consequence from the doctrine of the Pope's supremacy, that no consecrations and ordinations are valid, but what emanate from the authority of the See of Rome. If this be the case, my Lords, the bishops of the Church of England are no bishops. If we are no bishops, we have no right to sit in this Assembly with your Lordships; I have no right to be now holding this argument before your Lordships. My Lords, is not this an interference, indirectly I grant, but indirectly is it not an interference with the Constitution? My Lords, if we are no bishops, it is a further consequence that no
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man is made a priest by virtue of our ordinations —no priest of ours, therefore, has any just right to any temporalities that he may hold of such a nature, as to attach exclusively to the priestly character. My Lords, is not this an interference with the rights of the subject? My Lords, these are striking instances, that occur at the moment. Many other instances might be found, in which the Pope's spiritual supremacy unquestionably interferes, indirectly, with civil authority and civil rights; and the most that can be expected of conscientious Roman Catholics is, not that they should renounce all authority carrying this interference, for that were to renounce the Pope as their spiritual head; but that they should bind themselves to Government, that they will never *act* upon these principles, which in theory they cannot renounce; that, whatever they may think (as a matter of opinion) about the Pope's supremacy, they will never, in fact, make an attack, or commit any act of hostility, against the Constitution and the Government in either branch, but, on the contrary, will defend it. And these engagements, my Lords, those Roman Catholics, who scruple this oath, are ready and desirous to give in the most explicit and unequivocal terms. They say, that they think themselves "bound by an oath which they have already taken, and that they are ready to strengthen the obligation by a new oath, to defend, to the utmost of their power, the civil and ecclesiastical establishment of the country, even though all the Catholic powers in Europe, with the Pope himself at their head, were to levy war against the King for the express purpose of establishing the Roman Catholic religion." My Lords, there are other points in this oath which Roman Catholics, I think, must scruple. I believe the gentlemen of the Catholic Committee, who declared themselves ready to take
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this oath, will see some difficulty in particular parts of it, when they consider the full import of certain terms. But, my Lords, I shall go no further at present in this detail; I will only say in general, that there are parts of the oath which I myself would refuse to take.

My Lords, I must observe, that the gentlemen of the Catholic Committee, and the party that acts with them, who scruple no part of this oath, declare that they, equally with the scrupulous party, maintain the Pope's spiritual supremacy; they are shocked, that the denial of it should be imputed to them. Your Lordships, therefore, perceive that the two parties are perfectly equal in the degree of affection, or disaffection, take it which way you will, that they bear to the Government of the country. Therefore, I cannot see upon what principle a relief, which is granted to the one, should be denied to the other.

It may be said, this relief is a matter, not of right, but of mere grace and favour; and that the person who confers a favour may, at his own will and pleasure, prescribe the conditions on which he will bestow it. But, my Lords, the favours of a Government are surely to be dispensed by some rule of distribution, and that rule ought to be an equal one. My Lords, it ought not to be a rule of arbitrary election and reprobation, making a distinction of persons, where there is no difference of character, in the degree of civil merit.

My Lords, I have heard it said, not in this House, but out of doors, that the Legislature has nothing to do with the disputes of these people among themselves; that it may be rather an object of good policy to promote and increase their divisions, as it may be a means of weakening the strength of the party.

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My Lords, the maxim, *divide & impera*, if it be ever wise, is wise only in despotical governments. My Lords, if it be wise in such governments, it is because such governments are radically unjust; the relation of the governor and the governed to each other being that of enemies. But in governments such as this, under which we have the happiness to live, it is a wicked maxim. In our Constitution, the promoting of the happiness of the governed is not only the duty but the actual object of Government, and the aim of all its operations and of all its measures. In such a government union and harmony amongst citizens of all descriptions is to be desired, and it should be the endeavour of the Government to promote it, as the means of binding the love and affections of all to the Constitution.

But, my Lords, admitting, for a moment, that we have nothing to do with the disputes of these people among themselves, yet your Lordships surely have to do with the justice and equity of your own proceedings. Now consider, my Lords. Upon what principle were the penal laws against the Roman Catholics first introduced? Certainly upon this principle, that the Roman Catholics in general were disaffected subjects. Upon what principle would the Legislature now relieve any Roman Catholics from those laws? Certainly, my Lords, upon this principle, that the Legislature acquits those, to whom it extends the relief, of the crime and suspicion of disaffection. Upon what principle is the relief, which is extended to some, withheld from others? Certainly upon no just principle but this, that those others still lie, in the eye of the Legislature, under a suspicion of disaffection. Thus, my Lords, by passing a law which will give only a partial relief, you will impress a stigma of disaffection upon the party not relieved; which, in my judgment,

ment, if there be no ground for suspecting them, would be the height of cruelty and injustice.

But, my Lords, give me leave to say, that though your Lordships would indeed have nothing to do with any disputes among the Roman Catholics, upon controverted points of their own divinity, the matter and the state of the present dispute are such, that your Lordships have much to do with it, in forming a judgment upon the present bill. The matter in dispute is the propriety of the oath, as it stands in this bill; which oath the one party is ready to accept, the other reprobates. The dispute began in terms of mutual respect and great moderation; but, as it went on, both sides, as is the case in all disputes, grew warmer. Both sides have now lost all temper; and the quarrel, a religious quarrel, my Lords, is raging. The scrupulous Catholics speak of the writings on the other side as schismatical, scandalous, and inflammatory. The Catholic Committee charge the former with inculcating principles hostile to society and government, and to the constitution and laws of the British Empire. My Lords, these reproaches are, I think, unmerited on either side; but they are, for that reason, the stronger symptoms of intemperate heat on both sides. My Lords, this bill, should it pass into a law, will not mitigate the quarrel, but inflame it; and, as it re-enacts the penal laws against all those, who, from their scruples about the oath, cannot bring themselves within the benefit of it; the Roman Catholics that will be relieved by this bill will be empowered to enforce those laws against their more scrupulous brethren, with whom they are quarrelling. My Lords, the history of the Church too clearly proves, that men, whose minds are inflamed with religious controversy, are not to be trusted with such weapons. My Lords, when I look at the names of the gentlemen who compose

the Catholic Committee, men of high birth, of distinguished probity and honour, I cannot for a moment suppose, that any of them would pursue the quarrel with their adversaries in that base manner. But, my Lords, the leaders of a party cannot always command the passions of their followers; and your Lordships will have no security that this may not be done, but the liberality and honour of the individuals. And is it wise or just, my Lords, to put any innocent man in the power of his enemy, relying only on the good disposition of that enemy, to restrain him from the abuse of that power, which you put into his hands? My Lords, if the party relieved by this bill should take the advantage, which the law will give them, against the other party, a horrible persecution will arise. My Lords, I shudder at the scene of terror and confusion which my imagination sets before me, when, under the operation of this partial law, should it unfortunately receive your Lordships' sanction, miscreants of base informers may be enriched with the fortunes, our gaols may be crowded with the persons, and our streets may stream with the blood, of conscientious men, and of good subjects! And of all this cruelty, my Lords, if it should take place, the laws of the country will get the credit.

My Lords, I am aware that it may seem to your Lordships that there is an easy answer to all this: send the bill to a Committee, and amend the oath. My Lords, there is the difficulty. I fear, that we are not competent to make such amendments in the oath, as may obviate the mischief. My Lords, look at the state of the controversy among the Roman Catholics. Three of the four Roman Catholic Bishops, who call themselves the apostolical vicars for the four districts of this country; three out of these four have promulgated an encyclical letter, in which they reprobate the oath as it stands in the present

present bill; and they go farther; they advance this principle, that a conscientious Catholic ought not to take any oath, declaratory of any opinion upon doctrinal points, till it has received the approbation of the ecclesiastical superiors. The gentlemen of the Catholic Committee exclaim against this as an extravagant stretch of authority. I confess, my Lords, I see no extravagance in it. I believe, were I a Roman Catholic, I should think it my duty to submit to it. But the Catholic Committee are indignant under this usurpation of authority, as they think it, of the apostolical vicars; and a paper has appeared, signed by the gentlemen of the Committee, which I know not very well what to call. My Lords, it looks something like an appeal to the Pope; and yet I can hardly suppose, that an appeal to him has been actually made, or that this is a copy of a paper sent as a formal appeal to Rome. But the Committee say, "We appeal to all the Catholic Churches in the universe, and especially to the first of all Catholic churches, the apostolical see rightly informed." My Lords, if this be an appeal to the see of Rome, or if it be a notice of an intended appeal—and, my Lords, it must be something—it should seem that the Legislature cannot stir a step further. For it would be perfectly nugatory to pass a law to give relief upon the condition of an oath, when the persons, to whom the relief is offered, are divided into two parties, one of which say, "We cannot take this oath," the others say, "We must go to Rome, and ask the Pope, whether, under the circumstance of the interdict of the ecclesiastical superiors, we may take the oath or no." And, my Lords, suppose you amend the oath; what assurances can your Lordships have, that the apostolical vicars will approve the oath as amended by your Lordships? If they should not approve it, the more scrupulous Roman Catholics will not take it.

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My Lords, the remedy for this seems to me to be *unique*. The remedy would be, to find an oath which may be sufficient for the security of Government, and which the majority of the Roman Catholics have already taken, and the apostolical vicars, having themselves taken it, must approve. Such, my Lords, is the oath which was required of the Roman Catholics by the law of 1778; and I am very sorry that that oath was not adopted in this bill. But, from what I have heard, I have much doubt whether, if we go into a Committee, we shall be unanimous upon a motion for substituting that oath instead of the oath that now stands in the bill. And for this reason, my Lords, I fear the bill is incurable*.

My Lords, I have detained you much longer than I thought to have done. It only remains that I thank your Lordships for the patient attention with which I have been honoured; and that I may make it my request, that any expression that may have escaped me, in the course of a speech in point of language in many parts quite unpremeditated, may be candidly interpreted. My Lords, what most of all I deprecate is, that I may not be suspected of insincerity in my professions of an abhorrence of the penal laws; that my objecting to the commitment of this bill may not be deemed a stratagem of mine, to get rid of the business altogether, and disappoint the petitioners at your Lordships' bar, in their just expectations of relief. My Lords, I call the great Searcher of Hearts to witness, that there is no such duplicity, no such malice,

* In this apprehension the Bishop had the pleasure to find himself mistaken. In the Committee of the whole House upon the bill (June 4th), the oath, as it stood, was, upon the Bishop's own motion, expunged, and the oath, taken by the Roman Catholics in Ireland in the year 1774, with some very slight alteration, substituted. The Irish oath is in effect the same with the oath of 1778, and, of the two, is drawn with the greater accuracy.

in my intention. My Lords, if your Lordships should be moved by what has been said by me, or what may be said with more ability by others to the same effect, to reject this bill, rather than that the Roman Catholics should be finally unrelieved, I would pledge myself to your Lordships, to the Roman Catholics, and to my country, to bring in a bill, early in the next session, which should not be pregnant with the mischiefs which seem to me the certain consequences of this bill. But I should hope, that your Lordships would not leave a matter of such moment to the discretion and abilities of any individual Lord, but that your Lordships will think proper to name a Committee to revise all the subsisting laws against the Roman Catholics, and to frame a bill for the repeal of such as may with safety be repealed. The only objection that I can see to such a measure is the delay; for it is much too late in the session to begin such a business. But, my Lords, in a matter of this magnitude and importance, the Legislature should think little of the delay of a few months; nor ought the Roman Catholics themselves to murmur at a delay, which may conduce to put the relief they solicit upon a broad and permanent basis.



